

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES M. PITTMAN

PLAINTIFF

VS.

CIVIL ACTION NO. 4:06cv2 TSL-JCS

JO ANNE B. BARNHART
Commissioner of Social Security

DEFENDANT

JUDGMENT OF REVERSAL AND REMAND TO DEFENDANT

THIS DAY this cause of action came on for hearing before this honorable Court upon the defendant's motion for judgment of reversal and remand for the cause to be reversed and remanded to the Commissioner for further action, with all the parties being before this honorable Court, and announced unto the court that they are in agreement for said reversal and remand, and the court having heard and considered the same as follows, to-wit:

1.

That under Sentence 4 of 42 U.S.C. Section 405(g), this court has the power to enter, upon the pleadings and transcript of the record, the judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding for a rehearing.

2.

That remand would be appropriate and that this cause is hereby remanded unto the Commissioner for further proceedings. Further, upon remand that the record of the plaintiff's subsequent application shall be obtained. That the favorable decision of the subsequent application will be reviewed in conjunction with the period currently under review. Further, if

necessary, the case may be remanded to an Administrative Law Judge for further hearing.

SO ORDERED AND ADJUDGED on this 30th day of November, 2006.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Thomas L. Tullos
THOMAS L. TULLOS
Attorney for Plaintiff

/s/ Pshon Barrett
Attorney for Defendant